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International residual mechanism for criminal tribunals

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Budget for the International Residual Mechanism for Criminal Tribunals for the biennium 2012-2013

Report of the Secretary-General

Summary

By its resolution 1966 (2010), the Security Council decided to establish the International Residual Mechanism for Criminal Tribunals with two branches, which will commence functioning on 1 July 2012 (the Arusha branch, for the International Criminal Tribunal for Rwanda) and 1 July 2013 (the Hague branch, for the International Tribunal for the Former Yugoslavia), respectively. Accordingly, the present report sets out the initial resource requirements for the Mechanism, for the biennium 2012-2013.

The resources for the biennium 2012-2013, before recosting, amount to $50,434,400 gross ($46,827,900 net).

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I. Overview

1. By its resolution 1966 (2010), the Security Council established the International Residual Mechanism for Criminal Tribunals with two branches. The Mechanism will begin functioning on 1 July 2012 with the commencement of the Arusha branch, for the International Criminal Tribunal for Rwanda; the Hague branch, for the International Tribunal for the Former Yugoslavia, will commence operations on 1 July 2013. By the same resolution, the Council adopted the statute of the Mechanism and the transitional arrangements. Furthermore, the Council decided that the Mechanism would be responsible for continuing the jurisdiction, rights and obligations and essential functions of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia.

2. During the biennium 2012-2013, the Mechanism will commence operations and begin carrying out the residual functions of the Tribunals. In view of the substantially reduced nature of those functions, the Mechanism will be a small structure. As the Mechanism will coexist with the two Tribunals during the biennium 2012-2013, the Mechanism and the Tribunals will share resources and provide mutual support, particularly through the use of the double-hatting of staff and common services, and thus will achieve beneficial cooperation.

3. During the biennium 2012-2013, the Mechanism will direct its activities to the pursuit of two main objectives: (a) the commencement of operations on the basis of a coordinated transition of functions and operations of the Tribunals; and (b) the effective and efficient implementation of the residual functions as mandated by the Security Council.

4. In furtherance of its first objective, the Mechanism will work together with the two Tribunals to ensure that the commencement of operations and the smooth transition of functions and operations of the Tribunals proceeds in the most cost-efficient, effective and practical manner possible. The Mechanism is a subsidiary organ of the Security Council that continues the jurisdiction, rights and obligations and essential functions of the two Tribunals. The transition of functions and operations must enable the Mechanism to commence its operations while maintaining the capacity of the two Tribunals to carry out their activities and complete the remaining trials and appeals. Accordingly, the transition of functions and operations will be carefully coordinated in order to meet those objectives. To that end, the Mechanism will rely heavily on support from the two Tribunals during the transitional period, drawing on the knowledge, expertise and resources of the Tribunals, and will assume functions and operations from the two Tribunals at appropriate times, taking into account considerations of cost-effectiveness, the need of the two Tribunals to complete their activities, and the need of the Mechanism to commence its work efficiently and effectively.

5. Furthermore, the Mechanism will undertake appropriate start-up activities and begin operations. In planning and implementing those activities, the Mechanism will draw significantly on prior experiences and lessons learned from the establishment of the ad hoc and mixed international tribunals. The Mechanism has a unique mandate and focus, and will therefore utilize those experiences and lessons learned as appropriate in order to meet its needs.

6. Following the commencement of its operations, the Mechanism will focus on creating a strong foundation for its continuous activities, while also ensuring that it

has measures and procedures in place with which to rapidly respond to events as required. The Mechanism will develop the structure and procedures necessary to integrate the different, although related, experiences gained through the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia into a common institution focused on its continuous functions.

7. The Mechanism will carry out two types of activities: (a) continuous; and (b) ad hoc.

8. The continuous activities of the Mechanism will comprise all activities mandated by the Security Council in resolution 1966 (2010) that are ongoing in nature — that is, activities that need to be carried out at all times, irrespective of whether the Mechanism is conducting any trials or appeals. Such activities include the protection of witnesses, the tracking of fugitives, the supervision of the enforcement of sentences, the provision of assistance to national jurisdictions and the management of the archives.

9. The ad hoc activities of the Mechanism are those activities mandated by the Security Council in resolution 1966 (2010) that occur from time to time: primarily the conduct of trials and appeals, and also the preparatory activities for the commencement of the functioning of the Mechanism, including coordinating with the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia during the transitional period. These ad hoc activities require the Mechanism to have additional resources from time to time, but do not require those resources on a continuous basis.

10. The ad hoc activities of the Mechanism include the following:

(a) Trials of accused who fall within the jurisdiction of the Mechanism as set out in Security Council resolution 1966 (2010), the statute of the Mechanism as set out in annex 1 to the resolution and the transitional arrangements as set out in annex 2;

(b) Appeals where the jurisdiction to conduct the appeal lies with the Mechanism, as set out in Security Council resolution 1966 (2010) and annexes 1 and 2 thereto;

(c) Activities, such as rule 71 bis hearings at the Arusha branch, related to the preservation of witness testimonies;

(d) Pretrial activities related to trials and appeals within the jurisdiction of the Mechanism;

(e) Trials following the revocation of referrals of cases to national jurisdictions by either the International Criminal Tribunal for Rwanda or the Mechanism, insofar as they fall within the jurisdiction of the Mechanism as set out in Security Council resolution 1966 (2010) and annexes 1 and 2 thereto.

11. A brief summary description of the judicial and prosecutorial functions to be transferred by the Tribunals to the Mechanism, as set out in the statute and transitional arrangements, are as follows:

(a) Trial of fugitives: this function concerns the trial and appeal of persons indicted by the International Criminal Tribunal for Rwanda or the International Tribunal for the Former Yugoslavia and who remain fugitives (as at 1 July 2011, for the International Criminal Tribunal for Rwanda, and as at 1 July 2012, for the

International Tribunal for the Former Yugoslavia), as well as the efforts to track those fugitives in order to secure their arrest. Any fugitives arrested on or after those dates will be tried by the Mechanism, and the Mechanism will also have jurisdiction over any appeal against the trial judgement;

(b) Appeals against trial judgements of the Tribunals: this function concerns appeals filed by the Prosecutor or accused against trial judgements issued by either Tribunal. The Mechanism will have jurisdiction over any appeal against a judgement of the International Criminal Tribunal for Rwanda for which the notice of appeal is filed on or after 1 July 2012, and over any appeal against a judgement of the International Tribunal for the Former Yugoslavia for which the notice of appeal is filed on or after 1 July 2013;

(c) Retrial of indictees of the Tribunals: this function concerns retrials of indictees ordered by the Appeals Chamber of the International Criminal Tribunal for Rwanda or of the International Tribunal for the Former Yugoslavia or by the Residual Mechanism Appeals Chamber. The Mechanism will have jurisdiction over any retrial of an indictee of the International Criminal Tribunal for Rwanda ordered on or after 1 January 2012 by the Tribunal's Appeals Chamber or the Mechanism, and over any retrial of an indictee of the International Tribunal for the Former Yugoslavia ordered on or after 1 January 2013 by the Tribunal's Appeals Chamber or the Mechanism;

(d) Trial of contempt-of-court and false testimony cases: this function deals with the trial and appeal of persons indicted for contempt of court or false testimony before either Tribunal or before the Mechanism, as well as the investigation of contempt of court or false testimony. The Mechanism will have jurisdiction to conduct investigations, trials and appeals in such cases concerning proceedings before the Mechanism, and in cases related to proceedings before the International Criminal Tribunal for Rwanda where the indictment is confirmed on or after 1 July 2012, and cases concerning proceedings before the International Tribunal for the Former Yugoslavia where the indictment is confirmed on or after 1 July 2013;

(e) Review of judgement: this function concerns the conduct of review-of-judgement proceedings in relation to final judgements of the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia or the Mechanism. The Mechanism will have jurisdiction to conduct review proceedings arising from its own judgements, jurisdiction to conduct proceedings to review judgements of the International Criminal Tribunal for Rwanda where the application for review is filed on or after 1 July 2012, and jurisdiction to conduct proceedings to review judgements of the International Tribunal for the Former Yugoslavia where the application for review is filed on or after 1 July 2013;

(f) Protection of victims and witnesses: this function concerns the protection of victims and witnesses in both ongoing cases before the Mechanism and completed cases of the Tribunals and the Mechanism. The Mechanism will have jurisdiction over and responsibility for the protection of victims and witnesses in all cases over which it has jurisdiction in accordance with Security Council resolution 1966 (2010), the statute and the transitional arrangements. As from 1 July 2012, the Mechanism will have jurisdiction over and responsibility for the protection of victims and witnesses in completed cases of the International Criminal Tribunal for Rwanda. As from 1 July 2013, the Mechanism will have jurisdiction over and responsibility for the protection of victims and witnesses in completed cases of the

International Tribunal for the Former Yugoslavia. This jurisdiction and responsibility will include both maintaining existing protective measures and responding to requests to vary or rescind existing protective measures. It should be noted that jurisdiction and responsibility for the protection of victims and witnesses in ongoing cases before the Tribunals after the respective commencement dates of the branches of the Mechanism will remain with the Tribunals;

(g) Referral proceedings: this function relates to the referral of cases to national jurisdictions. Following the commencement of both of its branches, the Mechanism must make every effort to refer any cases involving persons indicted by the International Criminal Tribunal for Rwanda or the International Tribunal for the Former Yugoslavia who are not among the most senior leaders suspected of being most responsible for the crimes within its jurisdiction. This includes contempt and false testimony cases over which it has jurisdiction. The Mechanism will also have jurisdiction to monitor and revoke referrals ordered by itself and previously ordered by the Tribunals;

(h) Supervision of enforcement of sentences: this function concerns the designation of States that will enforce the sentences, and the supervision of the enforcement of the sentences, of persons convicted by the Tribunals and the Mechanism. Following the commencement of both of its branches, the Mechanism will have jurisdiction to designate enforcement States, including with respect to persons thereafter convicted by the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia. In addition, the Mechanism will have jurisdiction to supervise the enforcement of sentences and to decide on requests for pardon or commutation of sentence, including for convicted persons already serving their sentences as at the respective dates of commencement;

(i) Assistance to national jurisdictions: this function concerns the provision of assistance to national courts conducting related proceedings, including transferring dossiers, responding to requests for evidence and responding to requests to question detained persons, which may also involve the function of protection of witnesses. Following the commencement of both of its branches, the Mechanism will respond to requests for assistance from national authorities in relation to the investigation, prosecution and trial of those responsible for serious violations of international humanitarian law in Rwanda and the former Yugoslavia;

(j) Management of archives: this function concerns the management of the archives of the Tribunals and the records of the Mechanism. Following the commencement of both of its branches, the Mechanism will have exclusive competence over and responsibility for the archives of the Tribunals and the records of the Mechanism. This function will involve a significant number and variety of activities, including organizing the archives and records, coordinating with information centres, providing access, and managing the archives and records in terms of their primary and secondary values.

12. In order to support the performance of the mandated residual functions, the following support functions may be required: (a) direction and management; (b) legal and policy support; (c) support for judicial activity; (d) external relations and communications services; (e) language support; (f) detention; (g) legal aid and defence; and (h) administrative services.

13. The projected ad hoc activities connected to cases of the International Criminal Tribunal for Rwanda include the following:

(a) Trials, and subsequently appeals, of two fugitive accused arrested after the transfer to the Mechanism of jurisdiction to conduct such trials, as provided under the transitional arrangements;

(b) Two appeal cases, resulting from the denial of referral of the *Uwinkindi* and *Munyagishari* cases to a national jurisdiction. At the time of reporting, the decision on referral in the *Uwinkindi* case was pending on appeal, and the *Munyagishari* motion for referral was pending before a Trial Chamber for determination;

(c) Six preservation-of-evidence hearings for the International Criminal Tribunal for Rwanda accused persons at large;

(d) Interlocutory appeals resulting from trial activity.

14. It is assumed that trial proceedings, preservation hearings, appeals hearings and the delivery of appeals judgements will take place in Arusha in two courtrooms that will be retained during the biennium 2012-2013, while Registry legal staff supporting the Appeals Chamber will be located in The Hague.

15. Given the trial schedule in effect at the time of reporting, no ad hoc activities related to ITY cases are projected for the biennium 2012-2013. It should be borne in mind that a number of external factors beyond the Tribunal's control will have a major impact on the anticipated completion dates of trials and, by extension, the commencement dates of appeals. Should changes in the trial schedule during the biennium 2012-2013 cause some proceedings to fall under the purview of the Mechanism, the requirements would have to be reassessed and realigned, and any additional resource requirements would be addressed in the context of the performance report or revised estimates for the biennium 2012-2013.

16. The overall resources required for the biennium 2012-2013 for the Mechanism amount to $50,434,400 gross ($46,827,900 net), before recosting.

17. It is proposed that the staffing for the continuous functions of the Mechanism consist of 97 posts. Taking into account the anticipated distribution of workload between the two Tribunals and the Mechanism, the commencement dates of the Arusha and Hague branches and other operational considerations, it is proposed that 67 posts be established for the Mechanism in the biennium 2012-2013, and that the functions and responsibilities of the remaining 30 posts be covered by staff of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia under a double-hatting arrangement.

18. The ad hoc activities of the Mechanism are those activities related to trials and appeals or other judicial activities. Support for the ad hoc activities of the Mechanism would require that its staffing be supplemented with up to 154 temporary positions in Arusha, with the related funding provided through general temporary assistance. These positions would be provided for an average of 12 months.

19. The recosting of the proposed budgetary provisions at 2012-2013 rates set out in the present report is preliminary. With respect to salaries related to posts in the Professional and higher categories, adjustments reflect the projected movement of post adjustment indices in 2011. Similarly, with regard to General Service salaries,

recosting includes the forecasting of probable cost-of-living adjustments on the basis of anticipated inflation rates. No attempt is made at this time to forecast the movement of the relevant currency vis-à-vis the United States dollar. The proposed budget will be recosted late in 2011, on the basis of the latest data on actual inflation experience; the movement of post adjustment indices in 2011; the outcome of salary surveys, if any; salary expenditure experience at the two Tribunals; and the evolution of operational rates of exchange in 2011.

20. The distribution of resources proposed for the Mechanism for the biennium 2012-2013 is reflected in tables 1 to 3.

Table 1
Distribution of resources by component
(Percentage)

Component	*Assessed budget*
Arusha branch	
A. Chambers	6.7
B. Office of the Prosecutor	13.1
C. Registry	69.9
D. Archives	4.9
Subtotal	**94.6**
Hague branch	
A. Chambers	0.1
B. Office of the Prosecutor	0.4
C. Registry	2.7
D. Archives	2.2
Subtotal	**5.4**
Total	**100.0**

Table 2
Resource requirements by component
(Thousands of United States dollars)

Assessed budget

Component	*2012-2013 (before recosting)*	*Recosting*	*2012-2013 estimate*
A. Chambers			
1. Arusha branch	3 382.7	395.7	3 778.4
2. Hague branch	29.0	1.0	30.0
Subtotal	**3 411.7**	**396.7**	**3 808.4**
B. Office of the Prosecutor			
1. Arusha branch	6 579.4	462.7	7 042.1
2. Hague branch	221.7	(1.3)	220.4
Subtotal	**6 801.1**	**461.4**	**7 262.5**

Component	*2012-2013 (before recosting)*	*Recosting*	*2012-2013 estimate*
C. Registry			
1. Arusha branch	35 250.1	3 719.3	38 969.4
2. Hague branch	1 369.4	9.0	1 378.4
Subtotal	**36 619.5**	**3 728.3**	**40 347.8**
D. Records management and archives			
1. Arusha branch	2 480.8	32.1	2 512.9
2. Hague branch	1 121.3	(1.5)	1 119.8
Subtotal	**3 602.1**	**30.6**	**3 632.7**
Total (gross)	**50 434.4**	**4 617.0**	**55 051.4**
Income			
Income from staff assessment	3 606.5	246.1	3 852.6
Total (net)	**46 827.9**	**4 370.9**	**51 198.8**

Table 3
Post requirements

Category	*January 2012*	*July 2012*	*July 2013*	*Total 2012-2013*
Professional and higher				
Arusha branch				
P-5	—	2	—	2
P-4/3	2	17	—	19
P-2/1	—	5	—	5
Subtotal	**2**	**24**	**—**	**26**
Hague branch				
P-5	1	—	1	2
P-4/3	—	6	4	10
P-2/1	—	1	—	1
Subtotal	**1**	**7**	**5**	**13**
Total Professional and higher	**3**	**31**	**5**	**39**
General Service and other				
Arusha branch				
Other level	—	12	—	12
Security Service	—	1	—	1
Local level	—	5	—	5
Subtotal	**—**	**18**	**—**	**18**
Hague branch				
Other level	—	**5**	**5**	**10**

Category	January 2012	July 2012	July 2013	Total 2012-2013
Security Service	—	—	—	—
Local level	—	—	—	—
Subtotal	**—**	**5**	**5**	**10**
Total General Service and other	**—**	**23**	**5**	**28**
Grand total	**3**	**54**	**10**	**67**

II. Programme of work and resource requirements

A. Chambers

21. The Chambers are the judicial organ of the Mechanism, exercising judicial authority, at both branches, over the residual functions assumed by the Mechanism. The Chambers comprise one full-time President and a roster of 25 judges, elected by the General Assembly, who will be appointed by the President to hear cases as required. The main objective of the Chambers for the biennium 2012-2013 will be to commence operations and perform the residual functions as needed, in the most expeditious manner possible.

22. The continuous residual functions to be performed by the Chambers during the biennium 2012-2013 will be:

(a) Judicial aspects of the enforcement and the monitoring of the enforcement of sentences;

(b) Judicial decisions related to assistance to national jurisdictions;

(c) Judicial decisions concerning the protection of victims and witnesses;

(d) Judicial decisions concerning access to the archives.

23. The function of enforcement of sentences includes designating the State in which a convicted person is to serve his or her sentence and supervising the enforcement of sentences of those convicted by the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and the Mechanism, including issuing decisions on applications for early release, pardon and commutation of sentence. The function of assistance to national jurisdictions concerns judicial decisions related to the provision of assistance to national courts conducting related proceedings, including responding to requests for evidence and/or assistance, such as requests to obtain confidential documents. The function of protection of victims and witnesses concerns judicial decisions related to the protection of victims and witnesses, including issuing decisions on requests to vary existing protection measures. The function of management of archives concerns judicial decisions related to access to the records of the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and the Mechanism, such as reviewing confidentiality orders and access designations.

24. The President acts as the institutional head of the Mechanism. He or she is responsible for the overall execution of the mandate of the Mechanism and for

representing the Mechanism before its parent body, the Security Council, and the General Assembly. The President performs representational functions vis-à-vis heads of mission, embassies of Member States and the Secretary-General. In addition, the President is responsible for coordinating the management of the Mechanism with the Prosecutor and the Registrar of the Mechanism. The Office of the President provides legal advice and logistical support to the President in the exercise of his or her functions.

Outputs

25. During the biennium 2012-2013, the following outputs will be delivered:

(a) Judicial activity and decisions related to the enforcement of sentences, including, inter alia: the designation of enforcement States for convicted persons; early release, commutation of sentence and pardon; and responding to correspondence from convicted persons;

(b) Decisions related to assistance to national jurisdictions, including decisions concerning access to confidential material by persons authorized by external judicial authorities;

(c) Decisions relating to witness protection, including the variation or rescission of existing protection orders;

(d) Decisions related to the management of the archives, including the designation of sensitive records and decisions to declassify sensitive records;

(e) The review and adoption of the rules of procedure and evidence, practice directions and the rules of detention, and proposals for amendments to the statute of the Mechanism be submitted to the Security Council;

(f) Reports of the President to the Security Council, as requested, on non-compliance by States with orders of the Mechanism;

(g) The annual report to the General Assembly and the biannual report to the Security Council;

(h) Press releases on matters of importance to the Mechanism as a whole;

(i) Special events: the hosting of visiting dignitaries, usually at the level of ambassador or minister for foreign affairs, and of Heads of State; and establishing and maintaining high-level contacts with Governments of Member States to facilitate and improve cooperation with the Mechanism;

(j) Participation in activities within the United Nations system: the annual statement by the President to the General Assembly, the twice-yearly statements by the President to the Security Council, and cooperation with the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia;

(k) Liaison with States in relation to the referral of cases.

Table 4
Resource requirements — Chambers

Assessed budget

Category	*Resources (thousands of United States dollars) 2012-2013 (before recosting)*	*Posts 2012-2013*
Arusha branch		
Non-post	3 382.7	—
Hague branch		
Non-post	29.0	—
Total	**3 411.7**	—

26. The provision of $3,411,700, before recosting, would cover the compensation of the judges, in accordance with the statute of the Mechanism, during the biennium, as well as their travel requirements.

B. Office of the Prosecutor

27. The Office of the Prosecutor is responsible for the investigation and prosecution of persons falling within the Mechanism's jurisdiction, as set out in article 1 of the statute of the Mechanism. In accordance with the statute, there will be one Prosecutor common to both branches of the Mechanism and there will be an office of the Prosecutor at each branch. The Arusha branch office and the Hague branch office will each consist of an Officer-in-Charge and such other qualified staff as may be required.

28. In the proposed budget for the biennium 2012-2013, the primary responsibility of the Office of the Prosecutor will be the work arising from completed cases of the Tribunals, fugitive tracking, providing assistance to national prosecuting authorities and maintaining records, as well as various diplomatic and external relations functions. In addition, administrative and managerial functions will be required for the operation of each branch office. As each office will be starting up during the biennium 2012-2013, there will be a heightened focus on managerial functions, such as establishing office practices and procedures and determining the overall strategic direction for each office.

29. During the biennium 2012-2013, the Arusha branch office of the Prosecutor is expected to undertake the following ad hoc activities:

(a) Trials, and subsequently appeals, of two accused who are arrested after the transfer to the Mechanism of jurisdiction to conduct such trials, as provided in the transitional arrangements;

(b) Six preservation-of-evidence hearings for International Criminal Tribunal for Rwanda accused persons at large;

(c) Two appeal cases resulting from the denial of referral of the *Uwinkindi* and *Munyagishari* cases to a national jurisdiction. At the time of reporting, the decision on referral in the *Uwinkindi* case is pending on appeal, and the

Munyagishari motion for referral is pending before a Trial Chamber for final determination;

(d) Interlocutory appeals resulting from trial activity.

30. It is assumed that trial proceedings, preservation hearings, appeals hearings and the delivery of appeals judgements will take place in Arusha in two courtrooms that will be retained during the biennium 2012-2013.

31. Given the trial schedule in effect at the time of reporting, no ad hoc activities related to cases of the International Tribunal for the Former Yugoslavia are projected, and hence no requirements are projected for the biennium 2012-2013. Changes, if any, in the trial schedule will be addressed as described in paragraph 15 above.

Table 5
Objectives for the biennium, expected accomplishments and indicators of achievement

Objective of the Mechanism: to investigate and prosecute, in a timely and fair manner, p falling within the Mechanism's areas of competence, and to ensure that the requirements o Security Council are fulfilled with regard to the implementation of the completion strategy	
Expected accomplishments	**Indicators of achievement**
(a) Arrest of accused persons still at large	(a) Number of arrests *Performance measures* Target 2012-2013: 2 arrests for the International Criminal Tribunal for Rw branch
(b) Provision of effective and timely assistance to national jurisdictions	(b) Requests for judicial assistance fr national jurisdictions addressed to the Prosecutor are dealt with to the satisfac the requiring party, within two weeks o *Performance measures* Target 2012-2013: 90 per cent of reque judicial assistance from national jurisd will be met within the two-week turnar period

External factors

32. The Office is expected to meet its objective and expected accomplishments on the assumption that:

(a) Member States continue to cooperate in the arrest and transfer of indicted persons and in the provision of information;

(b) More Member States accept the referral of cases to their jurisdictions for trial;

(c) There are no delays in the proceedings for reasons beyond the control of the Mechanism, including the illness of the accused, the unforeseen disclosure of material, requests for the replacement of defence counsel, the review of cases already tried, and the availability of witnesses to certify statements and provide testimony.

Outputs

33. During the biennium 2012-2013, the following outputs will be delivered:

Arusha branch

(a) Investigative outputs: witness statements, exhibits, massacre site maps and sketches, official Government documents, informants and confidential sources, intelligence information, mission reports and records, and sensitive witness files;

(b) Prosecution outputs: indictments, legal opinions, motions, responses, pretrial briefs, oral and other evidence and evidence transcripts, closing briefs, closing arguments, trial reports to the Appeals and Legal Advisory Division, and judgements and sentences;

(c) Management outputs: policy papers and directives, guidelines related to legal practice, annual reports, funding proposals, budget preparation, reports on activities of States relevant to cooperation, and press releases, speeches, statements and briefings;

Hague branch

(d) Substantive outputs: making legal filings as required, responding to requests for assistance from national prosecutors, providing legal advice and case-related assistance to State prosecutors in national systems, deciding on matters of witness protection, dealing with former rule 70 providers including United Nations Headquarters, reviewing search results, filtering and selecting relevant documents, contacting witnesses on matters of witness protection or testifying before national courts, providing investigative capability requiring the collection of new evidence such as on appeal, and maintaining a public version of the Electronic Disclosure System;

(e) Management outputs: policy papers and directives, guidelines related to legal practice, annual reports, funding proposals, budget preparation, reports on activities of States relevant to cooperation, and press releases, speeches, statements and briefings.

Table 6
Resource requirements — Office of the Prosecutor

Assessed budget

Category	*Resources (thousands of United States dollars) 2012-2013 (before recosting)*	*Posts 2012-2013*
Arusha branch		
Post	2 557.6	14
Non-post	3 257.6	—
Staff assessment	764.2	—
Subtotal	**6 579.4**	**14**
Hague branch		
Post	147.4	5
Non-post	43.1	—
Staff assessment	31.2	—
Subtotal	**221.7**	**5**
Total	**6 801.1**	**19**

Table 7
Post requirements — Office of the Prosecutor

Category	*July 2012*	*July 2013*	*Total 2012-2013*
Professional and higher			
Arusha branch			
P-5	1	—	1
P-4/3	7	—	7
Subtotal	**8**	**—**	**8**
Hague branch			
P-5	—	1	1
P-4/3	—	1	1
Subtotal	**—**	**2**	**2**
Total Professional and higher	**8**	**2**	**10**
General Service and other			
Arusha branch			
Other level	4	—	4
Local level	2	—	2
Subtotal	**6**	**—**	**6**

Category	July 2012	July 2013	Total 2012-2013
Hague branch			
Other level	—	3	3
Subtotal	**—**	**3**	**3**
Total General Service and other	**6**	**3**	**9**
Grand total	**14**	**5**	**19**

34. The proposed structure and staffing for the Office of the Prosecutor are based on its continuous activities that must be carried out independently of trial and appeal activity. In addition, ad hoc activities would be carried out on the basis of the assumptions with respect to new trials, contempt cases and retrials. The current proposal envisages that the Arusha and Hague branch offices of the Prosecutor of the Mechanism will share resources — particularly through the use of the double-hatting of staff — with each other and with the Office of the Prosecutor of each Tribunal, in order to implement their respective mandates in the most cost-efficient manner possible.

35. Given the continuous functions and the anticipated workload, it is proposed that the staffing for the continuous functions of the Office of the Prosecutor consist of 28 posts. Taking into account the anticipated distribution of workload between the two Tribunals and the Mechanism, the commencement dates of the Arusha and Hague branches, and other operational considerations, it is proposed that 19 posts be established in the biennium 2012-2013, and that the functions and responsibilities of the 9 remaining posts be covered by staff of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia under a double-hatting arrangement.

36. Total resources under posts and staff assessment in the amount of $2,705,000 and $795,400, respectively, would provide for the establishment of 14 new posts (1 P-5, 1 P-4, 6 P-3, 4 General Service (Other level) and 2 General Service (Local level)) in the Arusha branch and 5 new posts (1 P-5, 1 P-3 and 3 General Service (Other level)) in the Hague branch, as reflected in table 7.

37. Total non-post resources in the amount of $3,300,700 for the two branches would provide for general temporary assistance, overtime, fees of consultants and expert witnesses, and official travel of staff.

C. Registry

38. The Registry is responsible for the administration and servicing of the Mechanism at both branches, directly implementing mandated functions under the Registrar's authority, and supporting the Chambers and the Office of the Prosecutor in the performance of their responsibilities through the provision of support services. The Registry comprises the Registrar, an Officer-in-Charge for each branch and staff necessary for the implementation of the Registry's responsibilities. For budgetary purposes, the Office of the President is included under the Registry.

39. The continuous functions to be performed by the Registry during the biennium 2012-2013 will be:

(a) Supervision of enforcement of sentences;

(b) Assistance to national jurisdictions;

(c) Protection of victims and witnesses;

(d) Management of the archives.

40. In addition, in order to support the continuous functions of the Mechanism, the Registry will perform — either directly or through support provided by the Registries of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, including the use of the double-hatting of staff — the following support functions during the biennium 2012-2013:

(a) Direction and management;

(b) Legal and policy support;

(c) Support for judicial activity;

(d) External relations and communications services;

(e) Language support;

(f) Detention;

(g) Legal aid and defence;

(h) Administrative services.

41. The Registry will be structured and staffed in accordance with the reduced nature of the Mechanism's mandate and projected workload, as well as the requirement to provide support at both branches. Accordingly, the Registry will differ significantly in important respects from the Registries of the two Tribunals. The Registry will be a small and efficient structure, centred on and led by the Office of the Registrar at each branch, headed by an Officer-in-Charge. Most of the mandated functions and the required support functions will be consolidated in the Office of the Registrar at each branch. The Registry will also comprise the following organizational units under the direction of the Officer-in-Charge at each branch: the Witness Support and Protection Section and the Language Support Service. The archives management function will be implemented by the Mechanism's Archives and Records Management Section, under the direction of the Chief Archivist.

42. During the biennium 2012-2013, the Registry will also rely on assistance from the Registries of the two Tribunals for the provision of support services. As the Mechanism will coexist with the two Tribunals, the Mechanism and the Tribunals will share resources and provide mutual support, particularly through the use of the double-hatting of staff and common services.

43. During the biennium 2012-2013, the Registry will focus on two principal objectives:

(a) Ensuring a coordinated transition of functions and operations of the two Tribunals for which the Mechanism will be responsible;

(b) Ensuring the effective commencement of operations and the efficient implementation of mandated functions.

Table 8
Objectives for the biennium, expected accomplishments and indicators of achievement

Objective of the Mechanism: the efficient administration and servicing of the Mechanism through the management of judicial, administrative and legal support for the Chambers and the Office of the Prosecutor, in line with the statute of the Mechanism, the Rules of Procedure and Evidence and United Nations regulations and rules, and with a view to supporting the Mechanism's completion strategy

Expected accomplishments	Indicators of achievement
(a) Timely approval of rules of procedure and evidence for the Mechanism	(a) Rules of procedure and evidence adopted at the first plenary of Mechanism judges *Performance measures* Target 2012-2013: Adoption by the set deadline
(b) Timely recruitment of staff for the Mechanism	(b) Number of staff recruited by the commencement dates of the branches, and in conformity with United Nations recruitment rules and procedures *Performance measures* Target 2012-2013: 85 per cent of the posts for the Arusha branch by 1 July 2012, and 90 per cent of the posts for the Hague branch by 1 July 2013
(c) Effective public awareness of the activities of the Mechanism	(c) Number of visitors to the Mechanism's website (virtual visitors) *Performance measures* Target 2012-2013: 5 million hits
(d) Effective supervision of the enforcement of sentences	(d) (i) Increased awareness among Member States and other stakeholders of the enforcement of sentences and related challenges *Performance measures* Target 2012-2013: 8 papers, briefings, round tables or presentations on issues relating to the enforcement of sentences

	(ii) Relevant information providers are contacted within two weeks of the receipt of requests for information from the President in respect of applications for early release *Performance measures* Target 2012-2013: 90 per cent
(e) Effective provision of assistance to national jurisdictions	(e) Requests for assistance addressed to the Registrar are answered within two weeks of receipt *Performance measures* Target 2012-2013: 90 per cent

External factors

44. The Registry is expected to meet its objective and expected accomplishments on the assumption that:

(a) Member States continue to cooperate in the arrest and transfer of indicted persons and in the provision of information;

(b) There are no delays in the proceedings for reasons beyond the control of the Mechanism, including the illness of the accused, the unforeseen disclosure of material, requests for the replacement of defence counsel, the review of cases already tried, and the availability of witnesses to certify statements and provide testimony.

Outputs

45. During the biennium 2012-2013, the following outputs will be delivered:

(a) Adoption and review of policies, directives and guidelines for Registry operations;

(b) Provision of legal advice, including researching legal issues, drafting legal decisions and correspondence, negotiating and drafting agreements, and providing legal advice to the Registrar and Mechanism staff, and, with respect to the management of the archives, ensuring the application of appropriate security classification levels, assisting with the judicial review of records, reviewing judicial orders related to confidentiality and declassification, and providing legal advice in relation to requests for access;

(c) Administration of the enforcement of sentences, including, inter alia, the negotiation of international agreements on the enforcement of sentences, the transfer of convicted persons to enforcement States, maintaining liaison with enforcement States, and advising the Office of the President and enforcement States in relation to pardon, commutation of sentence and early release;

(d) Provision of support and protection services to witnesses in completed cases of the International Criminal Tribunal for Rwanda and International Tribunal

for the Former Yugoslavia, including: the provision of support and administrative services for the temporary and permanent relocation of witnesses, conducting threat assessments, responding to queries from witnesses and transmitting information to and from witnesses, and reporting the results in connection with judicial procedures involving the variation of protective measures;

(e) Provision of assistance to national jurisdictions, including responding to all requests for cooperation received;

(f) Provision of public information, including: the publication of various information materials related to the work and mandate of the Mechanism, the publication of regular bulletins on Mechanism activities, the creation of multimedia content for distribution to the public, the issuance of press releases to the local, national and international press regarding Mechanism activities, and participation in public events related to the mandate and activities of the Mechanism;

(g) Liaison with external partners, including: liaison with the host countries on privileges and immunities of judges and staff, and liaison with Member States and other stakeholders, including other United Nations agencies, on matters related to the mandate and activities of the Mechanism;

(h) Management support, including the direction and supervision of the Registry's judicial support functions and legal and administrative activities; the provision of overall administrative support; the preparation of reports related to administrative functions; the preparation and implementation of budgetary provisions; the development of policy papers and directives on Mechanism management; the development and implementation of accountability measures; the development and maintenance of inter-agency cooperation, especially regarding security issues; and the development and implementation of workforce performance strategies, including training, change management and capability development.

Table 9
Resource requirements — Registry

Assessed budget

Category	*Resources (thousands of United States dollars) 2012-2013 (before recosting)*	*Posts 2012-2013*
Arusha branch		
Post	3 631.2	19
Non-post	29 342.9	—
Staff assessment	2 276.0	—
Subtotal	**35 250.1**	**20**
Hague branch		
Post	523.8	9
Non-post	747.4	—
Staff assessment	98.2	—
Subtotal	**1 369.4**	**9**
Total	**36 619.5**	**28**

Table 10
Post requirements — Registry

Category	*January 2012*	*July 2012*	*July 2013*	*Total 2012-2013*
Professional and higher				
Arusha branch				
P-5	—	1	—	1
P-4/3	2	6	—	8
P-2/1	—	3	—	3
Subtotal	**2**	**10**	**—**	**12**
Hague branch				
P-4/3	—	3	3	6
Subtotal	**—**	**3**	**3**	**6**
Total Professional and higher	**2**	**13**	**3**	**18**
General Service and other				
Arusha branch				
Other level	—	3	—	3
Security Service	—	1	—	1
Local level	—	3	—	3
Subtotal	**—**	**7**	**—**	**7**
Hague branch				
Other level	—	1	2	3
Subtotal	**—**	**1**	**2**	**3**
Total General Service and other	**—**	**8**	**2**	**10**
Grand total	**2**	**21**	**5**	**28**

46. It is proposed that the staffing for the continuous functions of the Registry consist of 47 posts. Taking into account the anticipated distribution of workload between the two Tribunals and the Mechanism, the commencement dates of the Arusha and Hague branches and other operational considerations, it is proposed that 28 posts be established in the biennium 2012-2013, and that the functions and responsibilities of the 19 remaining posts be covered by staff of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia under a double-hatting arrangement.

47. Total resources under posts and staff assessment in the amount of $4,155,000 and $2,374,200, respectively, would provide for the establishment of 19 new posts (1 P-5, 5 P-4, 3 P-3, 3 P-2, 3 General Service (Other level), 1 Security Service and 3 General Service (Local level)) in the Arusha branch and 9 new posts (2 P-4, 4 P-3 and 3 General Service (Other level)) in the Hague branch, as reflected in table 10.

48. Total non-post resources in the amount of $30,090,300 for the two branches would provide for general temporary assistance, consultants and expert witnesses for the defence, travel of staff and witnesses, defence counsel fees and other

contractual services, general operating expenses, supplies and materials, furniture and equipment, the improvement of premises, and the Mechanism's share of United Nations field security, including charges for malicious act insurance.

D. Records management and archives

49. Pursuant to article 27 of its statute, the Mechanism is responsible for the management, including preservation and access, of the archives of the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and the Mechanism, which together constitute the Archives of the International Criminal Tribunals. After their commencement, the Arusha and Hague branches of the Mechanism will have exclusive competence over and responsibility for the archives of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, respectively. The archives of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia are to be co-located with the corresponding branches of the Mechanism.

50. The management of the Archives of the International Criminal Tribunals will be a continuous function of the Mechanism throughout its mandate. In addition, effective management of the Archives will be critical to the performance of the Mechanism's other residual functions, including in particular any trial or appeal activity and assistance to national jurisdictions.

51. Within the Mechanism, the Archives of the International Criminal Tribunals will be managed by the Archives and Records Management Section, which will be a unified organizational unit within the Registry. As the Archives will be co-located with the corresponding branches of the Mechanism, the Section will operate two branch offices (in Arusha and The Hague), and will be composed of appropriate staff at each branch.

52. The Archives of the International Criminal Tribunals consist of the judicial record and other substantive and administrative records of the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and the Mechanism, in all media and formats. It is projected that the archives of the International Criminal Tribunal for Rwanda will include approximately 5,000 linear metres of hard-copy materials and more than 1 terabyte of digital data. It is projected that the archives of the International Tribunal for the Former Yugoslavia will include up to 10,000 linear metres of hard-copy materials and between 2 and 5 terabytes of digital data.

53. During the biennium 2012-2013, the Archives and Records Management Section will focus on the commencement of operations and the initiation of the start-up measures and activities necessary for the implementation of its mandate.

54. The responsibilities of the Section will include developing and implementing strategies, policies and procedures to ensure the preservation of the Archives of the International Criminal Tribunals and the provision of appropriate access to them. In this regard, the Section will be responsible for ensuring that the Mechanism can gain access to the Archives as necessary and when required for the performance of the residual functions of the Mechanism. The Section will also be responsible for developing and implementing strategies to enhance the availability of the Archives to the public, by permitting access to appropriate materials through the Internet, by

operating research facilities and by coordinating with information and documentation centres in the affected regions.

55. In addition, the Section will be responsible for the management of all records generated by the Mechanism. This responsibility will include developing and implementing strategies, policies and procedures for the creation, organization, appraisal, storage and disposition of the records of the Mechanism. It will also include the management of confidential information and the provision of access to the unclassified records of the Mechanism, in accordance with established procedures.

56. Accordingly, in order to fulfil these responsibilities, the Archives and Records Management Section will engage in the following activities during the biennium 2012-2013, inter alia:

(a) Organizing the Archives of the International Criminal Tribunals and managing electronic databases;

(b) Applying security classification, access and retention policies;

(c) Developing appropriate strategies, policies and procedures for the Archives;

(d) Facilitating access to the Archives by providing information and research assistance;

(e) Implementing judicial orders related to the confidentiality and declassification of judicial records under the jurisdiction of the Mechanism;

(f) Coordinating with information centres and other institutions interested in the Archives;

(g) Appraising and managing the records of the Mechanism;

(h) Ensuring the disposition of records in accordance with applicable procedures;

(i) Coordinating with the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia.

Table 11
Objectives for the biennium, expected accomplishments and indicators of achievement

Objective of the Mechanism: the efficient and effective management of the records and archives of the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and the Mechanism, in line with the rules of procedure and evidence of the respective Tribunals and the Mechanism, United Nations policies and standards, and international standards and best practices

Expected accomplishments	Indicators of achievement
(a) Timely provision of access to records and archives to external users	(a) External access requests acknowledged within 24 hours, and final decision on provision of access within 30 working days *Performance measures* Target 2012-2013: 90 per cent
(b) Effective preservation of records and archives, and protection of confidential information	(b) (i) Compliance with standards for preservation of records and archives *Performance measures* Target 2012-2013: 0 per cent loss due to deterioration, damage or destruction (ii) Compliance with security and access policy *Performance measures* Target 2012-2013: 100 per cent compliance with regard to accessed records and archives
(c) Efficient maintenance of records and archives in accordance with the agreed accession and retention policies	(c) (i) No records retained more than three months beyond the agreed retention period *Performance measures* Target 2012-2013: 90 per cent of records retained beyond the agreed retention period are disposed of (ii) No records waiting more than three months for accession *Performance measures* Target 2012-2013: Accession of 90 per cent of records within three months after their designation as archives

External factors

57. The Archives and Records Management Section is expected to meet its objectives and expected accomplishments on the assumption that appropriate archive facilities that will ensure the preservation and safety of records in accordance with appropriate standards are available at both branches.

Outputs

58. Durin_ the biennium 2012-2013, the following outputs will be delivered:

(a) Management outputs: policy documents, reports, statistics, fund-raising proposals and budget documents;

(b) T hnical outputs: procedural documents and guidelines for active record-keeping, the management of archives and the provision of access to records and archives, functioning repositories for hard-copy and digital archives, an archival description database and supplementary finding aids.

Table 12
Resource requirements — records management and archives

Assessed budget

	Resources (thousands of United States dollars) 2012-2013 (before recosting)	*Posts 2012-2013*
Arusha branch		
Post	2 072.9	11
Non-post	136.1	—
Staff assessment	271.8	—
Subtotal	**2 480.8**	**11**
Hague branch		
Post	832.3	9
Non-post	123.9	—
Staff assessment	165.1	—
Subtotal	**1 121.3**	**9**
Total	**3 602.1**	**20**

Table 13
Post requirements — records management and archives

Category	*January 2012*	*July 2012*	*Total 2012-2013*
Professional and higher			
Arusha branch			
P-4/3	—	4	4
P-2/1	—	2	2
Subtotal	—	**6**	**6**
Hague branch			
P-5	1	—	1
P-4/3	—	3	3
P-2/1	—	1	1
Subtotal	**1**	**4**	**5**
Total Professional and higher	**1**	**10**	**11**
General Service and other			
Arusha branch			
Other level	—	5	5
Hague branch			
Other level	—	4	4
Total General Service and other	—	**9**	**9**
Grand total	**1**	**19**	**20**

59. It is proposed that the staffing of the Archives and Records Management Section consist of 22 posts. Taking into account the anticipated distribution of workload between the two Tribunals and the Mechanism, the commencement dates of the Arusha and Hague branches, and other operational considerations, it is proposed that 20 posts be established in the biennium 2012-2013, and that the functions and responsibilities of the 2 remaining posts be covered by staff of the International Tribunal for the Former Yugoslavia under a double-hatting arrangement.

60. Total resources under posts and staff assessment in the amount of $2,905,200 and $436,900, respectively, would provide for the establishment of 11 new posts (1 P-4, 3 P-3, 2 P-2 and 5 General Service (Other level)) in the Arusha branch and 9 new posts (1 P-5, 3 P-3, 1 P-2 and 4 General Service (Other level)) in the Hague branch, as reflected in table 13.

61. Total non-post resources in the amount of $260,000 for the two branches would provide for travel of staff and contractual services.

III. Actions required of the General Assembly

62. The present report contains the initial resource requirements for the International Residual Mechanism for Criminal Tribunals for the biennium 2012-2013. It also sets out the anticipated distribution of workload between the

Mechanism and the two Tribunals, the commencement dates of the Arusha and Hague branches, and other operational considerations.

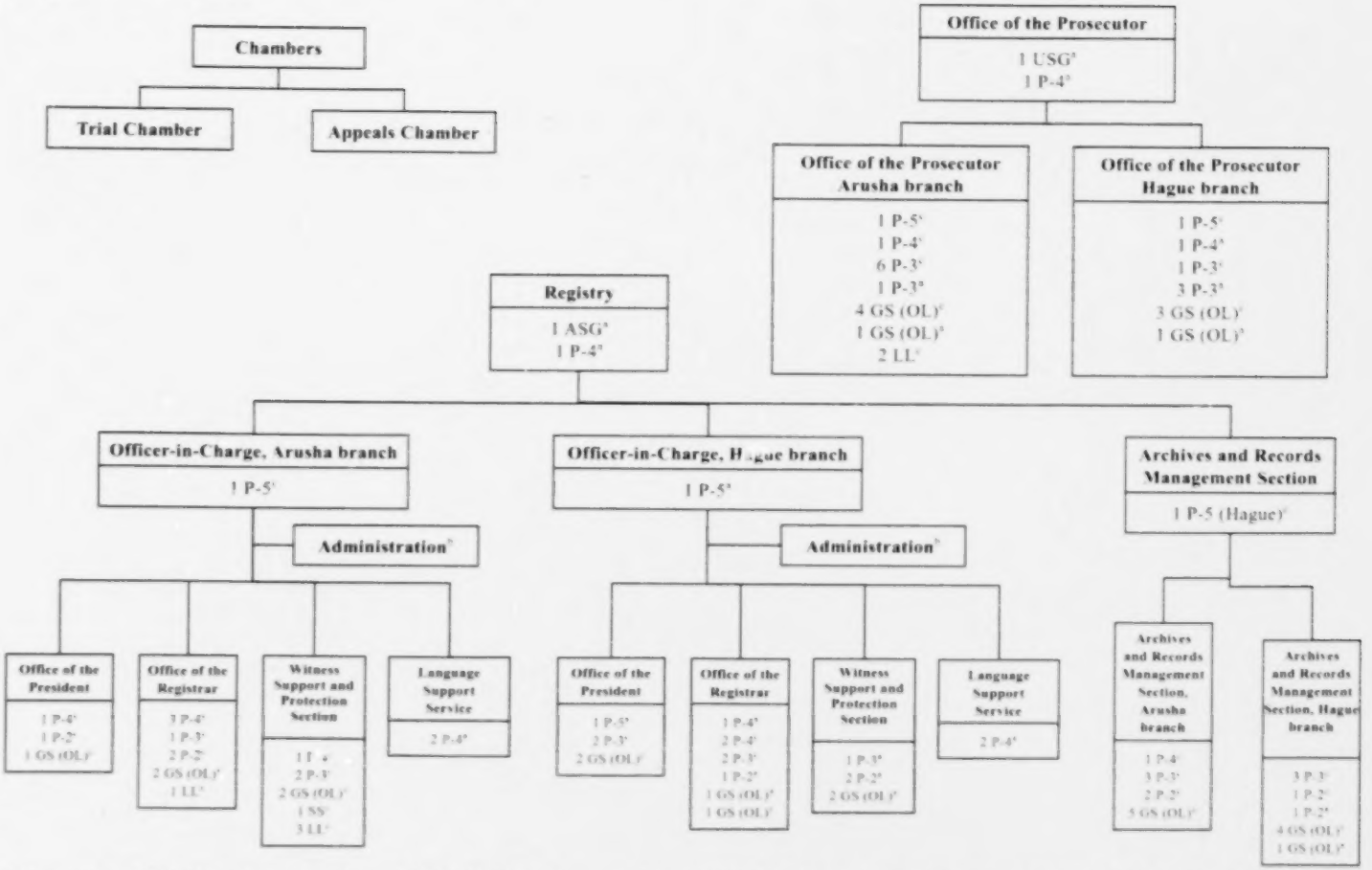
63. Accordingly, the General Assembly is requested to:

(a) Approve the budget of the Mechanism for the biennium 2012-2013;

(b) Approve the establishment of 67 posts (as detailed in table 3) during the biennium 2012-2013;

(c) Appropriate a total amount of $50,434,400 gross ($46,827,900 net), before recosting, for the Mechanism for the biennium 2012-2013.

Organization chart



Abbreviations: USG, Under-Secretary-General; ASG, Assistant Secretary-General; GS (PL), General Service (Principal level); GS (OL), General Service (Other level); SS, Security Service; LL, Local level; FS, Field Service.

[a] Functions performed by incumbents of posts funded by the Tribunals, under a double-hatting arrangement; therefore, these posts are zero-cost for the Mechanism.

[b] Administrative support will be provided by the respective administrative offices of the Tribunals.

[c] New posts.

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International residual mechanism for criminal tribunals

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Budget for the International Residual Mechanism for Criminal Tribunals for the biennium 2012-2013

Report of the Secretary-General

Corrigendum

Paragraph 33 (a)

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